

**EXHIBIT D**

**CONFIDENTIAL**

From: Jennifer R Hammat <[jhammat@gmu.edu](mailto:jhammat@gmu.edu)>

Date: Tue, Dec 4, 2018 at 11:51 AM

Subject: Notice of Investigation  
[REDACTED]

Cc: Keith D Renshaw <[krenshaw@gmu.edu](mailto:krenshaw@gmu.edu)>, Shernita Rochelle Parker <[srochell@gmu.edu](mailto:srochell@gmu.edu)>



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December 4, 2018

[REDACTED]

George Mason University

Fairfax, VA 22030

Dear [REDACTED],

The intent of this letter is to notify you of a complaint of Sexual Harassment received in the Office of Compliance, Diversity and Ethics (CDE). The complaint, filed by [REDACTED], alleges potential violations of George Mason University's Sexual Harassment Policy 2006-14. Specifically, the allegations state that you shared the below information during your instruction of [REDACTED] the spring semester of 2013 in and during the instruction of [REDACTED] in the spring semester of 2014 in:

- During class you provided a detailed description with the students of a sexual encounter wherein you performed oral sex upon a woman at a party;
- During class you shared with the students the number of sexual partners you had;

[REDACTED]

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- During class you discussed “skinny dipping” with a woman who was not your wife with the students in the class;
- During class you recounted your visits to a Spa World, a Korean Spa in Centreville, VA, allegedly known for human trafficking and public nudity, and encouraged the students of the class to go together.

Consistent with the university’s responsibility to ensure an environment free from harassment or discrimination, CDE will begin a formal investigation into this matter. The investigation will cover this allegation(s) and any other issue(s) that are made known during the course of the investigation. CDE intends to resolve this matter in the most equitable and timely fashion for all those involved.

Ms. Megan Simmons, Title IX Investigator, and an EO Specialist, will investigate this case. Ms. Heather Madnick (administrative support for CDE) will email you in the coming days to arrange a time for you to be interviewed as part of the investigative process. At that time, you may also provide the investigators with any materials you would like considered from an evidentiary lens; if you have any witnesses you would like interviewed regarding this matter, please have their names and contact information available as well. To preserve the integrity of the investigative process, you are strongly encouraged to keep this matter as confidential as possible, for the protection of your own privacy interests as well as the interests of those involved. This is not intended to restrict your ability to discuss the investigation with potential witnesses or otherwise prohibit you from defending your interests. Any information divulged by the office will solely be on a need to know basis.

Additionally, please be advised that George Mason University’s sexual and gender-based harassment and other interpersonal violence policy strictly prohibits any form of retaliation, and if this provision is not adhered to, an additional investigation may ensue separate and distinct from this investigation. Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Attached to this communication, you will find:

- University Policy 1202: Sexual Harassment Policy 2006-14
- Equal Opportunity/Affirmative Action Grievance Procedures 2006-14



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Should you have any questions concerning this matter, please feel free to contact the CDE office at 703-993-8730 or [cde@gmu.edu](mailto:cde@gmu.edu). If you need ADA accommodations for the Title IX process, please contact Ruth Townsend in Compliance, Diversity and Ethics, at [rtownse2@gmu.edu](mailto:rtownse2@gmu.edu). Your cooperation in this process is appreciated.

Sincerely,

Dr. Jennifer R. Hammat

University Title IX Coordinator

George Mason University

CC: Dr. Keith Renshaw, Department Chair

Shernita Rochelle Parker, Human Resources

**Jennifer R. Hammat, Ed.D.**

University Title IX Coordinator

Compliance, Diversity, and Ethics

George Mason University

4400 University Drive, MS 2C2  
Fairfax, VA 22030

703-993-8730

[titlenine.gmu.edu](http://titlenine.gmu.edu)



**Subject: Equal Opportunity/Affirmative Action Grievance Procedure  
(This procedure replaces all previous procedures for investigation of complaints of  
discrimination and sexual harassment)**

**I. Scope**

This procedure applies to all George Mason University faculty, staff, students, university contractors, and visitors.

**II. Policy Statement**

The Equal Opportunity/Affirmative Action Grievance Procedure is the responsibility of the Office of Equity and Diversity Services (OEDS). The procedure assists the university in carrying out its responsibilities in administering and enforcing applicable federal and state laws and university policies related to nondiscrimination and investigation of complaints. The OEDS may amend this process as necessary. Any student, faculty member, staff employee, or visitor who feels he or she is the victim of harassment or other form of discrimination on the basis of race, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, or veteran status should follow the grievance procedures outlined below. Consistent with George Mason University's duty to provide a work and academic environment free from unlawful harassment or discrimination, the University reserves the right to investigate any allegation of harassment or discrimination upon receipt of sufficient evidence to sustain such claims.

**Retaliation**

The OEDS also investigates and resolves allegations of retaliation against individuals who have raised claims of discrimination based on the above factors or who have cooperated in an investigative process in some manner. Retaliation is a negative action taken against an individual as a result of a complaint being filed or after an individual has cooperated with an investigative process. Retaliation is prohibited whether or not the charging party prevails in the original charge. No agent of the university may harass, coerce, intimidate, or discriminate against an individual who has filed an Equal Opportunity complaint or participated in the Equal Opportunity complaint resolution process. Charges of retaliation will be treated as separate and distinct from the original charges and allegations and will be investigated by the OEDS. Those in a supervisory position must monitor the academic or work environment to ensure that it is free from retaliation.

### **III. Filing Process**

Complainants will be asked to complete a form describing the alleged discrimination and/or harassment. Assistance will be arranged, if needed.

A complaint should be filed within 180 days of the most recent incident.

The complainant will meet with a representative from the Office of Equity and Diversity Services to discuss options (informal, formal) for proceeding.

#### **Options:**

*Informal.* Discuss allegations and concerns with respondent (the accused) and attempt to resolve the situation. The respondent is reminded that George Mason University expects all to adhere to our equal opportunity policies. Respondent is put on notice that behavior has been questioned, and informal resolution sought, if possible. If attempts to resolve the situation are not successful, the complainant may pursue a formal complaint. The Office reserves the right to investigate any allegation brought forward if it finds sufficient information to indicate a serious or continuing violation of the equal opportunity policy.

*Formal.* A full investigation is conducted by the Office complete with written findings. If a violation is found, the Office will recommend corrective actions. The determination of the Office of Equity and Diversity Services is final.

At any time, prior to filing a charge, or while a complaint proceeding is in progress, a complainant may file their complaint with the appropriate external agencies. A complete list of agencies, along with contact information, is available from the Office of Equity and Diversity Services, Mason Hall D105, MS 2C2, Fairfax, VA 22030. Phone (703) 993-8730. TTY: (703) 993-8787

#### **Time Line for Investigation Process**

The Office of Equity and Diversity Services will complete its investigations as expeditiously as possible. Many factors can interfere with an investigative fact-finder's commitment to complete a determination promptly, including lack of cooperation from the complainant, the respondent, or witnesses. The Office of Equity and Diversity Services will maintain contact with the Complainant and Respondent throughout the course of the investigation to keep them up to date on the process.

### **IV. Confidentiality**

The OEDS takes any allegation of discrimination, harassment, and/or retaliation seriously and is committed to protecting the integrity of the investigation process including confidentiality and the due process rights of all individuals. Note that all those involved (the respondent, the complainant, and the witnesses) have privacy interests. Therefore, outside the scope of the investigation, all parties are cautioned not to publicize or divulge the nature of the proceedings, or the identity of those involved.

## **V. Right to Advisor**

The complainant and the respondent each has the right to bring an advisor to the investigative meeting. If either party chooses to exercise this option, he or she shall submit the name of the advisor in writing to the Office of Equity and Diversity Services at least 72 hours prior to the meeting. If either the complainant or the respondent's advisor is a person degreed or qualified in law, the Office of Equity and Diversity Services must be notified.

## **VI. Responsibilities and Jurisdiction of the Office of Equity and Diversity Services**

Consistent with federal and state laws and university policies related to nondiscrimination, the OEDS only investigates complaints of unlawful discrimination and/or harassment on the basis of race, color, religion, sex (including sexual harassment), national origin, age, disability, veteran status, or sexual orientation. The OEDS investigates such complaints of discrimination and/or harassment at George Mason University and renders a determination following such investigations.

### **Transfer of Function**

If a complaint, whether informal or formal, is directed against the Office of Equity and Diversity Services, the functions assigned to the Office by these procedures will transfer to the Office of the President or to the president's designee. If a complaint, whether informal or formal, is directed against the President, the functions assigned to the Office by these procedures will transfer to the Board of Visitors

## **GEORGE MASON UNIVERSITY**

### **University Policy Number 1202**

**Subject:** Sexual Harassment Policy

**Responsible Parties:** Office of Equity and Diversity Services

**Procedures:** Equal Opportunity/Affirmative Action Grievance Procedures

**Related University Policies:** Policy 1201: Non-Discrimination Policy

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### **I. SCOPE**

This policy applies to all George Mason University faculty, staff, students, university contractors, and visitors.

### **II. POLICY STATEMENT**

It is the policy of University to provide an academic and work environment free from sexual harassment. Sexual harassment is contrary to the standards and mission of the University. Sexual harassment is illegal and will not be tolerated. Each member of the University community has a responsibility to maintain an academic and work environment free from sexual harassment. The University will take whatever action necessary to prevent, stop, correct, or discipline harassing behavior. Same-sex sexual harassment violates this policy and is subject to discipline under the same procedures.\*

Sexual harassment is defined by law as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or other form of expressive communication of a sexual nature, when submission to or rejection of such conduct is used as a basis for employment or academic decisions, or such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or sexually offensive work or academic environment. Examples of behavior that may be considered sexual harassment include, but are not limited to, the following:

1. Sexual assault
2. Explicitly or implicitly requiring submission to sexual advances as a condition or term of education or employment, i.e., grades, employment, promotion, letters of recommendation or other privileges

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\* Note: Sexual harassment does not include verbal expression or written material that is relevant to course subject matter or curriculum and this policy shall not abridge academic freedom or George Mason University's educational mission.



3. Repetitive sexual comments, questions, jokes, gestures or other forms of sexually explicit expression

Any student, faculty member, or staff employee, who believes he or she is the victim of sexual harassment, should report the incident promptly in the manner most comfortable to him or her. The Equal Opportunity/Affirmative Action Grievance Procedures, University Policy 1204 list the various ways to file a complaint.

Retaliation against an individual who has raised claims of illegal discrimination or has cooperated with an investigation of such claims is prohibited.

*pm*  
*mcg*  
*Any employee*  
~~Note that supervisors and managers who become~~<sup>s</sup> aware of sexual harassment or other potentially discriminatory behavior must contact the Office of Equity and Diversity Services.

### III. RESPONSIBLE PARTIES

The Office for Equity and Diversity Services is responsible for administering and monitoring George Mason University's sexual harassment policy.

### IV. COMPLIANCE

Inquiries about or complaints alleging violation of the University's sexual harassment policy should be directed to the Office of Equity and Diversity Services. Mason Hall D105, MS 2C2, Fairfax, VA 22030. Phone (703) 993-8730. TTY: (703) 993-8787.

### V. EFFECTIVE DATE AND APPROVAL

The policies herein are effective April 3, 2006. This Administrative Policy shall be reviewed and revised, if necessary, annually to become effective at the beginning of the University's fiscal year, unless otherwise noted.

Approved: \_\_\_\_\_

*Marie W. Schmitt*  
Senior Vice President

*[Signature]*  
Provost

Date approved: \_\_\_\_\_

*4/20/06*